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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,374	01/14/2004	Vito James Carlucci	884.0217USU	3611

7590 07/14/2005

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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,374

Applicant(s)

CARLUCCI ET AL.

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1, 4, 7, and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gell, Jr. et al. (US 5,500,237).

Claims 10-11, 15-16, and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Goldstein (US 5,513,296).

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Doljack et al. (US 4,450,496). Doljack is considered to teach a body having at least a first portion and a second portion, said first portion accommodating at least a primary heating source connected to a power source and a secondary heating source, said second portion accommodating a control interface for allowing an operator to control a heating effect of said primary heating source and/or said secondary heating source, wherein said second heating source is a positive temperature coefficient heater with a doped ceramic, and wherein said positive temperature coefficient heater is connected to said power source at column 8 lines 7-60 with the doped ceramic feature being taught at column 4 lines 19-56.

Claim Rejections - 35 USC § 103

Claims 2-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gell in view of Slingo (US 6,378,225). Gell is considered to clearly anticipate the claimed invention, except for the claimed operator control interface and an infrared

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heater. Slingo, another dryer, is considered to disclose a operator control interface and an infrared heater at column 2 lines 29-47. It would have been obvious to one skilled in the art to combine the teachings of Gell with the operator control interface and an infrared heater, considered to be disclosed in Slingo for the purpose of allowing a more flexible heating temperature and airflow volume to prevent hair damage in hair drying equipment.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gell in view of Carson (US 5,640,781). Gell is considered to clearly anticipate the claimed invention, except for the claimed PTC ceramic heater. Carson, another dryer, is considered to disclose a PTC ceramic heater at column 4 lines 12-27. It would have been obvious to one skilled in the art to combine the teachings of Gell with the PTC ceramic heater, considered to be disclosed in Carson for the purpose of allowing a self regulating secondary heater by using a material that sharply increases resistance without a corresponding temperature increase, inherent to PTC ceramic heaters.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gell in view of Polaert (US 5,790,749). Gell is considered to clearly anticipate the claimed invention, except for the claimed self-regulating secondary heater with separately adjustable blower airflow effects or heating source effects. Polaert, another dryer, is considered to disclose a self-regulating secondary heater with separately adjustable blower airflow effects or heating source effects at column 3 line 45 through column 4 line 6. It would have been obvious to one skilled in the art to combine the teachings of Gell with the self-regulating secondary heater with separately adjustable blower airflow

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effects or heating source effects, considered to be disclosed in Polaert for the purpose of allowing a more flexible heating temperature and airflow volume to prevent hair damage in hair drying equipment.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein in view of Slingo (US 6,378,225). Goldstein is considered to clearly anticipate the claimed invention, except for the claimed infrared heater. Slingo, another hair dryer, is considered to disclose an infrared heater at column 2 lines 29-47. It would have been obvious to one skilled in the art to combine the teachings of Goldstein with the infrared heater, considered to be disclosed in Slingo for the purpose of allowing a more flexible heating temperature and airflow volume to prevent hair damage in hair drying equipment.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein in view of Carson (US 5,640,781). Goldstein is considered to clearly anticipate the claimed invention, except for the claimed PTC ceramic heater. Carson, another dryer, is considered to disclose a PTC ceramic heater at column 4 lines 12-27. It would have been obvious to one skilled in the art to combine the teachings of Goldstein with the PTC ceramic heater, considered to be disclosed in Carson for the purpose of allowing a self regulating secondary heater by using a material that sharply increases resistance without a corresponding temperature increase, inherent to PTC ceramic heaters.

Claims 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein in view of Polaert (US 5,790,749). Goldstein is considered to clearly

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anticipate the claimed invention, except for the claimed self-regulating secondary heater with separately adjustable blower airflow effects or heating source effects. Polaert, another dryer, is considered to disclose a self-regulating secondary heater with separately adjustable blower airflow effects or heating source effects at column 3 line 45 through column 4 line 6. It would have been obvious to one skilled in the art to combine the teachings of Goldstein with the self-regulating secondary heater with separately adjustable blower airflow effects or heating source effects, considered to be disclosed in Polaert for the purpose of allowing a more flexible heating temperature and airflow volume to prevent hair damage in hair drying equipment.

Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein in view of Pollack (US 2002/0006275). Goldstein is considered to clearly anticipate the claimed invention, except for the claimed feature wherein a primary heating source initially heats said airflow, and wherein a secondary heating source selectively provides radiant energy thereto. Pollack, another dryer, is considered to disclose a feature wherein a primary heating source initially heats said airflow, and wherein a secondary heating source selectively provides radiant energy thereto in paragraph 27 and paragraph 31. It would have been obvious to one skilled in the art to combine the teachings of Goldstein with the feature wherein a primary heating source initially heats said airflow, and wherein a secondary heating source selectively provides radiant energy thereto, considered to be disclosed in Pollack for the purpose of allowing a more flexible heating temperature and airflow volume to prevent hair damage in hair drying equipment.

Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doljack in view of Gell. Doljack is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed handle and head portion. Gell, another dryer shows a handle and head portion on the face of that reference. It would have been obvious to one skilled in the art to combine the teachings of Doljack with the handle and head portion, considered disclosed by Gell, for the purpose of user portability and direction for operation.

Response to Arguments

Applicant's arguments filed April 18, 2005 have been fully considered but are considered moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571 272 4475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG
July 7, 2005

A handwritten signature in black ink, appearing to read "Stephen Harm". The signature is written in a cursive, flowing style.